

HCS HB 1794 -- EMPLOYMENT SECURITY LAWS

SPONSOR: Grisamore

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Disability Services by a vote of 5 to 1.

This substitute specifies that for the purposes of the employment security laws, the term "employment" will not mean in-home or community-based services performed by a provider contracted to provide the services for the clients of a county board for developmental disability services organized and commonly known as "SB 40 boards"; however, the vendor will be responsible for the payroll and fringe benefits accounting functions for the consumer.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill addresses the issue of how clients working under SB 40 boards are being classified for tax purposes. Currently, centers for independent living do not have the restrictions that employers who contract with SB 40 Board have for these purposes. The bill allows an individual who is working under a SB 40 Board to be considered an employee which is consistent with the current practices for a client of a center for independent living. This is an effort to provide clarity and avoid additional expenses for individuals who are working under SB 40 programs. It prohibits these individuals from being considered an employee that requires an employer to pay workers' compensation, unemployment, and liability insurance. SB 40 programs provide services, not gainful employment, so certain tax requirements should not apply.

Testifying for the bill were Representative Grisamore; and Les Wagner, Missouri Association of County Developmental Disabilities Services.

OPPOSERS: Those who oppose the bill say that there are several concerns with the bill and it needs to be modified to address the rights and needs of those who are providing these services.

Testifying against the bill was Missouri AFL-CIO.